

Message Text

CONFIDENTIAL

PAGE 01 TEL AV 00488 211627Z
ACTION INR-07

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C O N F I D E N T I A L TEL AVIV 0488

E.O. 11652: GDS
TAGS: PINT, IS
SUBJECT: ISRAELI INTERNAL POLITICS

REF: STATE 12962

1. SECTION 6 OF THE STATUTE "BASIC LAW: THE GOVERNMENT"
(COMPLETE TEXT BEING FORWARDED BY AIRGRAM), WHICH WAS PASSED BY
THE KNESSET ON AUGUST 13, 1968, STATES: "WHEN A NEW GOVERNMENT
HAS TO BE CONSTITUTED, THE PRESIDENT OF THE STATE SHALL, AFTER
CONSULTATION WITH REPRESENTATIVES OF PARTY GROUPS IN THE
KNESSET, ASSIGN THE TASK OF FORMING A GOVERNMENT TO A KNESSET
MEMBER WHO HAS NOTIFIED HIM, WITHIN THREE DAYS FROM THE DAY
ON WHICH HE WAS ASKED, THAT HE IS PREPARED TO ACCEPT THE TASK."
SUBSEQUENT SECTIONS OF THE SAME STATUTE DEAL WITH OTHER DETAILS
OF FORMATION OF A GOVERNMENT.

2. BASED ON OUR READING OF SECTION 6 AND ON DISCUSSIONS WITH
SHLOMO NAKDIMON OF YEDIOT AHARONOT AND YEHIEL GUTMANN,
ADVISOR TO JUSTICE MINISTER ZADOK, WE BELIEVE THE ANSWER
TO THE QUESTION IN PARA 1 REFTEL IS NEGATIVE--THE PRESIDENT
IS NOT LEGALLY OBLIGATED TO TURN FIRST TO THE HEAD OF THE
LIST WHICH GETS THE LARGEST NUMBER OF KNESSET SEATS IN
THE ELECTION TO FORM A GOVERNMENT. FROM A PRACTICAL AND
POLITICAL POINT OF VIEW, HOWEVER, HE ALMOST CERTAINLY
WILL DO SO.

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3. THE ANSWER TO THE QUESTION POSED IN PARA 2 REFTEL IS
ALSO NEGATIVE--THE PRESIDENT WOULD NOT BE OBLIGATED TO
OFFER A RECONSTITUTED ALIGNMENT THE FIRST OPPORTUNITY AT
ORGANIZING A NEW GOVERNMENT (NEITHER WOULD HE BE PRECLUDED
FROM DOING SO). THE ANSWER TO THE SECOND QUESTION IN
PARA 2 FOLLOWS FROM THIS--SUCH A RECOMBINATION MANEUVER
BY THE ALIGNMENT WOULD NOT BE INVALID FOR THE PURPOSE

OF GOVERNMENT FORMATION. AGAIN, FROM A PRACTICAL POINT
OF VIEW, THE PRESIDENT PROBABLY WOULD FEEL HE HAD FIRST
TO TURN TO THE LIST WITH THE MOST SEATS.
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